

discussion and what I agreed to do. I had placed a kill motion on this bill and the reason that I offered it are reasons that I still believe in. But in order not to logjam everything on General File, I am not going to try to delay it at this point. But I have a philosophical problem with this whole system of enforcement aimed at bad checks. The first problem is that we are taking the coercive power of the criminal law to enforce the collection of private debts. The debts exist to a great extent because of the carelessness and shoddy business practices of merchants. The state, by doing this, is causing the taxpayers to subsidize a program to collect the debts of careless merchants. I don't think that that is an appropriate thing to do. I think it was a poor policy when it was put in place. And, originally, the idea was conceived because in the early seventies maybe as much as a third of the prison population was there for having written bad checks. It was felt that people who do these things need not necessarily go to the penitentiary. So a system of constitutionally suspect provisions was put in place which would allow these merchants to continue being careless, allow the taxpayers to underwrite the collection of the bad debts of these careless merchants and allow people who write these bad checks to not necessarily wind up in the penitentiary. There have been programs set up in Lancaster and I believe in Douglas County which provide income and revenue not only for the counties, but for agencies set up as schools for people who write bad checks. And if you write a bad check, you go to one of these so-called schools and you learn the bad consequences of doing these things. I believe that that is an improper governmental activity. In Lincoln, you will see in stores statements indicating that if somebody writes an insufficient fund check, or whatever it is, they can wind up going to the penitentiary, and puts up other things that really do not reflect what the law of the state is, nor the Supreme Court decisions in this regard. Now, all that Senator Peterson's bill does is to raise the current fee that must be paid when one of these checks is to be acted on by the county attorney from \$7.00 to \$10.00, and in addition to that it removes language from the law which allows a county attorney to either assess that fee or not assess it. I had tried, unsuccessfully, to reinstate that language that would allow the county attorney to continue with his or her discretion. As I say, that was an unsuccessful effort. On Select File, I intend to discuss this matter in more detail than I am doing now, but what I have said so far should give you an idea of the thrust of my concerns. And I am going to try to stop the bill. Then I plan to come back next session, or the following session,